

**CHAPTER NO. 444**

**SENATE BILL NO. 2322**

**By McLeary, Crutchfield**

**Substituted for: House Bill No. 2272**

**By Shaw**

AN ACT to amend Tennessee Code Annotated, Section 13-23-128, relative to the Tennessee House Development Agency.

WHEREAS, Tennessee Code Annotated, Section 13-23-128(a) was added in 1979, prior to the time statutory changes were enacted providing for representatives of the non-profit and local government to be appointed to the Tennessee housing development agency board of directors; and

WHEREAS, this language does not recognize any distinction between persons employed by the non-profit or public sectors and persons employed by the private sector who may be appointed by the Governor to the THDA board of directors; and

WHEREAS, this language is undesirably harsh when applied to persons employed by the non-profit or public sectors who may be appointed by the Governor to the THDA board of directors, and who would reap no direct financial benefit from participating in certain THDA programs beyond their employment in the non-profit or public sectors; and

WHEREAS, the General Assembly did not intend such a harsh result; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-23-128(a), is amended by deleting the period (.) at the end of the first sentence and by adding the following language:

; notwithstanding the foregoing, this requirement shall not apply to a member:

(i) who is a full-time employee of a local government, a public housing authority, or an entity organized as a non-profit corporation under the laws of the State and recognized by the Internal Revenue Service as a 501(c)(3) entity; and

(ii) who has no personal financial interest in a housing development financed or assisted by the agency other than their interest as such an employee.

SECTION 2. All other provisions of Tennessee Code Annotated, Section 13-23-128, shall continue to apply to the members specified in Section 1 above, as applicable.

SECTION 3. Tennessee Code Annotated, Section 13-23-128(b), is amended by deleting the language "described in subsection (a)" wherever it appears and by substituting instead the language "prohibited in subsection (a)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: March 8, 2004**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 15<sup>th</sup> day of March 2004**

  
PHIL BREDESEN, GOVERNOR